

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: SEAN M. MURRAY

Case No. 17-44157-~~ess~~

Chapter: 7

Debtor(s)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed motion of SEAN M. MURRAY a hearing will be held before the Hon. Elizabeth S. Stong, Bankruptcy Judge, to consider the motion for an Order granting relief as follows:

SEAN M. MURRAY, Debtor Pro Se and Movant herein, seeks to hold NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER and Attorney Cleo Sharaf-Green, Esq. for RAS BORISKIN, LLC, and ROBERTSON, ANSCHUTZ & SCHNEID, P.L., in contempt of court and responsible for sanctions and costs for not participating in good faith, willful violation of the Discharge Injunction imposed the order at docket no. 24 on December 8, 2017 and violations of Rule 9011(b)(1) of the Federal Rules of Bankruptcy Procedure.

NOVEMBER 20, 2018 at 9:30 am
U.S. Bankruptcy Court 3rd Floor Rm 3585
271-C Cadman Plaza East
Brooklyn, New York 11201-1800
Courtroom # 3585, 3rd Floor

Dated: Friday, October 19, 2018

By: SEAN M. MURRAY
SEAN M. MURRAY
Debtor Pro Se
P.O. BOX 1110
ALBANY, NEW YORK 12201-1110
U.S.A.
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U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: SEAN M. MURRAY

Case No. 17-44157

Chapter: 7

Debtor(s)

**DEBTOR'S MOTION FOR CONTEMPT AND SANCTIONS IN REPLY TO
NATIONSTAR'S OPPOSITION TO DEBTOR'S MOTION TO STRIKE**

SEAN M. MURRAY, Debtor Pro Se, submits the following reply.

1. At the August 9, 2018 hearing Cleo Sharaf-Green, Esq. of ROBERTSON, ANSCHUTZ & SCHNEID P.L., acting on behalf of Nationstar Mortgage LLC D/B/A Mr. Cooper ("Nationstar"), agreed to discuss settlement.
2. After several requested adjournments, Nationstar electronically filed the Objection (docket no. 93) to the Motion to Strike Seeking Sanctions (docket no. 83).
3. Counsel for Nationstar summarizes the facts in part I of the Opposition.
4. In part II paragraph 10 Counsel states "the Court incorrectly ordered" Nationstar to participate in the Loss Mitigation Program (docket no. 55), without providing any facts or evidence to support the conclusory statement.
5. In part III Counsel addresses the pending motions without providing any facts, evidence or valid defenses.
6. Specialized Loan Servicing, LLC's ("SLS") Notice of Auction from February 13, 2018,

features NATIONSTAR MORTGAGE LLC as holder of the security (Exhibited as evidence attached to Docket no. 43). This is at odds with Counsel's claims of Nationstar's transfer of servicing to SLS.

7. The knowledge of the Debtor alleged by Counsel in paragraph 23 assumes that assertions in paragraph 22 are true and correct without providing any basis in fact or theory in support.

8. Counsel relies on references to "typos" without specifying what errors were made or where. Counsel also makes much of the service transfer that supposedly transferred servicing rights to SLS without providing an explanation for SLS's Notice of Auction that states that Nationstar is the holder of the security interest (Docket no. 43).

9. Actual damages suffered by the Debtor include but are not limited to: Roughly \$20,000 in emotional distress, legal counsel fees, court preparation filing costs and lost wages. Debtor will itemize and substantiate actual damages when requested by the Court or during a Damages Hearing, subject to the Courts adjudication of the pending motions.

10. Counsel for Nationstar attaches as an exhibit documents related to a tax court case without providing a valid basis in fact for their inclusion and without mention of relevancy to the instant Bankruptcy Court case. Debtor must conclude that Nationstar has no defense to the pending Motions and no reason to reference the Tax Court proceedings other than to embarrass and harass the Debtor or delay the proceedings in violation of the Federal Rules of Bankruptcy Procedure Rule 9011(b)(1).

11. A recent Experian Consumer Disclosure features continued Nationstar reporting of a

discharged debt in violation of the discharge injunction imposed by Judge Stong's order dated December 8, 2017 (docket no. 24), attached to this motion as an exhibit. Counsel for Nationstar has included a FDCPA notice in recent communications and insufficiently addressed the incorrect service of process address connected with Nationstar's earlier filings in the instant case. Debtor asserts Nationstar is subject to the FDCPA and the Bankruptcy Court Discharge Injunction in all communications with the Debtor.

WHEREFORE, Nationstar and Attorney Cleo Sharaf-Green, Esq. of ROBERTSON, ANSCHUTZ & SCHNEID P.L. have violated Rule 9011, the FDCPA and Discharge Injunction, Debtor requests and moves this honorable court to find Nationstar and Attorney Cleo Sharaf-Green, Esq. of ROBERTSON, ANSCHUTZ & SCHNEID P.L. in contempt of court and impose sanctions for the violations and lack of good faith participation in the instant case.

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Friday, October 19, 2018.

By: SEAN M. MURRAY
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SEAN MICHAEL MURRAY
PO BOX 1110
ALBANY NY 12201



Your Credit Report

Report # [REDACTED] for 10/15/18

SEAN MICHAEL MURRAY

Disputing information in this report

Before contacting us, please review this report carefully. If you disagree with an item, you may dispute it. We will process your dispute generally by sending your dispute to the furnisher of the information or to the vendor who collected the information from a public record.

The fastest and easiest way to dispute most information is to visit us at:
www.experian.com/disputes

You can also submit your disputes in writing by mailing them to:

Experian, Attn: CASS, P.O. Box 1240, Allen TX 75013

Call us with your disputes or questions:

800 509 8495, M - F 7:30 a.m. - 5 p.m., Central Time.

You may also submit additional relevant information or supporting documentation for your disputes electronically at experian.com/upload. Be advised that written information or documents you provide with respect to your disputes may be shared with any and all creditors with which you are disputing.

You have your Credit Report.

Now, keep an eye
on it for free.

Get these free benefits, with no
credit card required:

- Your Experian Credit Report
(refreshed every 30 days upon sign in)
- Experian credit monitoring & alerts
- Educational resources

Enroll today at experian.com/view

Medical Information

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e. "Cancer Center") that reports your payment history to us. If so, those names display on your report, but on reports to others, they display only as MEDICAL PAYMENT DATA. Consumer statements included on your report at your request that contain medical information are disclosed to others.

Payment History Legend

OK Current/Terms of agreement met	CRD Creditor received deed	G Claim filed with government
30 Account 30 days past due	FS Foreclosure proceedings started	D Defaulted on contract
60 Account 60 days past due	F Foreclosed	C Collection
90 Account 90 days past due	VS Voluntarily surrendered	CO Charge off
120 Account 120 days past due	R Repossession	CLS Closed
150 Account 150 days past due	PBC Paid by creditor	ND No data for this time period
180 Account 180 days past due	EC Insurance claim	

*If your creditor reported your account balances to us, we list them in this section as additional information about your account. Your account history may also include your credit limit and high balance or the original loan amount for an installment loan. This section also includes the scheduled payment amounts, amounts actually paid and the dates those payments were made. ND: No Data

SEAN MICHAEL MURRAY | Report # [REDACTED] for 10/15/18

Your accounts that may be considered negative

The most common items in this section are late payments, accounts that have been charged off or sent to collection, and bankruptcies. It also may contain items that are not necessarily negative, but that a potential creditor might want to review more closely, such as an account that has been settled or transferred. This information is generally removed seven years from the initial missed payment that led to the delinquency. Missed payments may remain on the credit report for up to seven years. Chapters 7, 11 and 12 bankruptcies may remain on the credit report for up to 10 years. Transferred accounts that have not been past due remain up to 10 years after the date the account was transferred.

Public Records

US BKPT CT NY BROOKLYN
75 CLINTON ST
BROOKLYN NY 11201
No phone number available
Address identification number
0850352791

Identification number
1744157ESS
Responsibility
Individual

Date filed
Aug 2017
Date resolved
Dec 2017

Claim amount
Not reported
Liability amount
Not reported

Status
Chapter 7 bankruptcy discharged.
This item is scheduled to continue on record until Aug 2027.

Credit items**BANK OF AMERICA Partial account #**

PO BOX 982238, EL PASO, TX 79998 or (800) 421 2110

Date opened	First reported	Recent balance	Payment history
Sep 2010	Dec 2010	Not reported	
Type	Terms	Status	Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
Credit Card	Not reported	Discharged through	2017 CO CO CO CO CO CO CO
Responsibility	Monthly payment	Bankruptcy Chapter 7	2016 CO CO CO CO CO CO CO CO CO CO CO CO
Individual	Not reported	This item was updated	2015 CO CO CO CO CO CO CO CO CO CO CO CO
	Credit limit or original	from our processing of	2014 CO CO CO CO CO CO CO CO CO CO CO CO
	amount	your dispute in Apr 2017.	2013 ND ND CO CO CO CO CO CO CO CO CO CO
	\$16,000	Account History	2012 30 60 90 120 150 180 CO ND ND ND ND ND
	High balance	Debt included in Chapter	2011 Full Year - In Good Standing
	\$20,085	7 Bankruptcy on Aug 10,	2010 OK
		2017.	
		Date of Status	
		Aug 2017	

Your statement "Y ITEM DISPUTED BY CONSUMER"

CAPITAL ONE Partial account #

PO BOX 30285, SALT LAKE CITY, UT 84130 or (800) 227 4825

Date opened	First reported	Recent balance	Payment history
Feb 2015	Mar 2015	Not reported	
Address ID #	Terms	Status	Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
0850352791	Not reported	Discharged through	2017 OK OK OK OK OK OK OK
Type	Monthly payment	Bankruptcy Chapter	2016 Full Year - In Good Standing
Credit card	Not reported	7/ Never late.	2015 OK OK OK OK OK OK OK OK OK OK
Responsibility	Credit limit or original	Account History	
Individual	amount	Debt included in Chapter	
	\$750	7 Bankruptcy on Aug 10,	
	High balance	2017.	
	\$817	Date of Status	
		Aug 2017	

PHH MORTGAGE SERVICE Partial account #													
2001 BISHOPS GATE BLVD, MOUNT LAUREL, NJ 08054 or (800) 449 8767													
Date opened		Mar 2008		Address ID #		Freddie Mac ID		Type		Mortgage Responsibility		Individual	
First reported		Jul 2013		Not reported		30 Years		Monthly payment		Bankruptcy Chapter 7.		Discharged through	
Recent balance		Not reported		Status		Not reported		Comment:		Credit limit or original		Account transferred to	
Another lender.		This item was updated from our processing of your dispute in May 2017.		Account History		Debt included in Chapter 7 Bankruptcy on Aug 10, 2017.		Date of Status		Aug 2017		Your statement Y ITEM DISPUTED BY CONSUMER	
Payment history													
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
2016	180	180	180	180	180	180	180	180	180	180	180	180	180
2015	120	150	180	180	180	180	180	180	180	180	180	180	180
2014	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
2013	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

SEAN M. MURRAY

Case No.: 1-17-44157-ess

Chapter: 7

CERTIFICATION OF SERVICE

The undersigned certifies that on Friday, October 19, 2018, a copy of the annexed papers: DEBTOR'S MOTION FOR CONTEMPT AND SANCTIONS IN REPLY TO NATIONSTAR'S OPPOSITION TO DEBTOR'S MOTION TO STRIKE; served by depositing same, enclosed in a properly addressed postage-paid envelope, in an official depository under the exclusive care of the United States Postal Service within the State of New York, and hand delivered to the Clerk of the Bankruptcy Court Friday, October 19, 2018, upon:

1. Richard J. McCord, Chapter 7 Trustee
Certilman Balin Adler & Hyman
90 Merrick Avenue
East Meadow, NY 11554
2. Robert A. Gavin, Jr., Clerk of the Bankruptcy Court
271-C Cadman Plaza East, Suite 1595
Brooklyn, NY 11201-1800
3. Miriam Rosenblatt, Attorney for Nationstar Mortgage LLC
Robertson, Anschutz & Schneid, P.L., Bankruptcy Department
6409 Congress Avenue, Suite 100
Boca Raton, Florida 33487
4. RAS Boriskin, LLC
BANKRUPTCY DEPARTMENT
900 MERCHANTS CONCOURSE, SUITE 106
WESTBURY, NY 11590

Dated: Friday, October 19, 2018

By: Sean M. Murray
SEAN M. MURRAY